

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on March 13, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)

##### **Members Excused:**

Rep. Ellie Hill Smith (D)  
Rep. Shane A. Morigeau (D)  
Rep. Kirk Wagoner (R)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 107, 3/8/2017; SB 113, 3/8/2017; SB 228, 3/8/2017;  
SB 229, 3/8/2017  
Executive Action: SB 28, SB 97, SB 107, SB 113, SB 228, SB 229

**HEARING ON SB 107**

**Opening Statement by Sponsor:**

00:01:35 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 107, Provide liability limits for emergency care by volunteer emergency responders.  
00:01:53 Rep. Court joined the meeting.

**Proponents' Testimony:**

00:04:26 Rob Brandt, Meagher County Search and Rescue  
[EXHIBIT\(juh52a01\)](#)

00:05:59 Rep. Wagoner joined the meeting.  
00:06:22 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:**

00:07:02 Al Smith, Montana Trail Lawyers Association (MTLA)  
00:07:35 Rep. Morigeau joined the meeting

**Questions from Committee Members and Responses:**

00:08:08 Rep. McConnell  
00:08:15 Rob Brandt, Meagher County Search and Rescue  
00:08:45 Rep. Usher  
00:09:32 Sen. Kary  
00:09:48 Al Smith, MTLA  
00:10:02 Rep. Usher  
00:10:33 Al Smith, MTLA

**Closing by Sponsor:**

00:11:04 Sen. Kary

**HEARING ON SB 228**

**Opening Statement by Sponsor:**

00:12:06 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 228, Exempting needle and syringe exchange providers from drug paraphernalia laws.

**Proponents' Testimony:**

00:14:55 Mayor Sandra Jones, Roundup  
[EXHIBIT\(juh52a02\)](#)  
[EXHIBIT\(juh52a03\)](#)  
[EXHIBIT\(juh52a04\)](#)  
[EXHIBIT\(juh52a05\)](#)  
[EXHIBIT\(juh52a06\)](#)  
[EXHIBIT\(juh52a07\)](#)  
[EXHIBIT\(juh52a08\)](#)

00:17:49 Mark Murphy, Montana Association of Chiefs and Police (MACOP)  
00:19:13 Greg Dorrington, Montana Medical Association (MMA)

00:22:05 Abigail St. Lawrence, Montana Association of Naturopathic Physicians (MANP)

00:23:43 Shelley Carney, Self

[EXHIBIT\(juh52a09\)](#)

00:26:19 Kelly Lynch, Montana League of Cities and Towns (MLCT)

00:26:41 Jim Murphy, Montana Department of Health and Human Services (DPHHS)

[EXHIBIT\(juh52a10\)](#)

[EXHIBIT\(juh52a11\)](#)

[EXHIBIT\(juh52a12\)](#)

00:29:50 Carol Casey, Self

[EXHIBIT\(juh52a13\)](#)

[EXHIBIT\(juh52a14\)](#)

00:34:42 Stephanie Cole, Open Aid Alliance

[EXHIBIT\(juh52a15\)](#)

00:35:50 Jane Smilie, Montana Public Health Association, Association of Montana Public Officials, Montana Environmental Health Association

00:37:01 Amanda Reese, Open Aid Alliance

[EXHIBIT\(juh52a16\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:37:47 Rep. Manzella

00:38:38 Jane Smilie, Montana Public Health Association, Association of Montana Public Officials, Montana Environmental Health Association

00:39:07 Jim Murphy, DPHHS

00:40:16 Rep. Court

00:40:51 Sen. Ankney

**Closing by Sponsor:**

00:42:29 Sen. Ankney

**HEARING ON SB 113**

**Opening Statement by Sponsor:**

00:44:46 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 113, Providing for disclosure of child and family services records to legislators.

**Proponents' Testimony:**

00:50:19 Shannon McDonald, Department of Health and Human Services (DPHHS)

00:52:13 Janie McCall, Intermountain, Yellowstone Boys and Girls Ranch, Protect Montana Kids Commission

**Opponents' Testimony:** None

**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:55:50 Rep. McConnell  
00:56:31 Sen. Moore  
00:56:52 Rep. Kelker  
00:57:26 Sen. Moore  
00:58:53 Rep. Manzella  
00:59:33 Sen. Moore  
01:00:13 Rep. Bishop  
01:01:10 Shannon McDonald, DPHHS  
01:01:49 Rep. Bishop  
01:01:55 Sen. Moore  
01:02:17 Rep. B. Brown  
01:02:50 Shannon McDonald, DPHHS  
01:04:23 Chair Doane  
01:04:37 Sen. Moore  
01:06:39 Chair Doane  
01:06:47 Shannon McDonald, DPHHS  
01:07:32 Rep. C. Knudsen  
01:08:03 Shannon McDonald, DPHHS  
01:08:32 Sen. Moore

**Closing by Sponsor:**

01:09:22 Sen. Moore  
  
01:11:14 Recess  
01:17:44 Reconvene

**HEARING ON SB 229****Opening Statement by Sponsor:**

01:18:12 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 229, Require release of case records if child exposed to dangerous drugs.

**Proponents' Testimony:**

01:22:47 Dana Toole, Department of Justice (DOJ)  
01:23:40 Janie McCall, Protect Montana Kids Commission, Yellowstone Boys and Girls Ranch, Intermountain  
01:24:21 Jed Fitch, Montana County Attorneys Association (MACo)  
01:27:02 Mark Murphy, Montana Police Protective Association (MPPA), Montana Chiefs of Police Association (MACOP)  
01:30:33 Greg Dorrington, Montana Medical Association (MMA)

**Opponents' Testimony:** None**Informational Testimony:**

01:31:48 Shannon McDonald, Department of Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

01:32:13 Rep. McConnell  
01:33:57 Sen. Moore  
01:34:39 Jed Fitch, MACo  
01:35:47 Rep. Usher  
01:36:45 Jed Fitch, MACo  
01:37:48 Rep. Usher  
01:38:24 Shannon McDonald, DPHHS  
01:38:42 Rep. Kelker  
01:39:54 Jed Fitch, MACo  
01:40:43 Rep. Manzella  
01:42:05 Shannon McDonald, DPHHS  
01:44:39 Jed Fitch, MACo  
01:45:34 Rep. C. Knudsen  
01:46:15 Shannon McDonald, DPHHS  
01:46:54 Rep. Usher  
01:47:28 Jed Fitch, MACo

**Closing by Sponsor:**

01:48:42 Sen. Moore  
  
01:53:08 Recess  
02:18:54 Reconvene

**EXECUTIVE ACTION ON HB 562****Discussion:**

02:19:06 Helen Thigpen, Legislative Services Division (LSD)

02:19:17 **Motion:** Rep. Berglee moved that **HB 562 DO PASS.**

**Discussion:**

02:19:27 Rep. C. Knudsen  
02:20:03 Rep. Court  
02:21:25 Rep. Usher

02:23:46 **Motion:** Rep. C. Knudsen moved that **HB 562 BE AMENDED.**

**Discussion:**

02:25:08 Helen Thigpen, LSD  
02:25:25 Rep. Wagoner  
02:25:46 Rep. C. Knudsen  
02:25:55 Chair Doane  
02:26:05 Helen Thigpen, LSD  
02:26:15 Rep. C. Knudsen  
02:26:26 Rep. Bishop  
02:27:03 Rep. C. Knudsen

02:28:40 Rep. C. Knudsen **WITHDREW THE MOTION THAT HB 562 BE AMENDED**

02:28:54 **Motion:** Rep. Doane moved to **POSTPONE ACTION ON HB 562**. Motion was without objection.

**EXECUTIVE ACTION ON SB 28**

**Discussion:**

02:29:07 Helen Thigpen, LSD

02:29:26 **Motion:** Rep. Berglee moved that **SB 28 BE CONCURRED IN**.

**Discussion:**

02:29:35 Rep. Kelker

02:30:19 Rep. Harris

02:31:10 Chair Doane

02:31:35 Rep. Harris

02:31:57 Rep. B. Brown

02:33:14 Rep. Harris

02:34:15 Helen Thigpen, LSD

02:34:46 Rep. Wagoner

02:34:57 Rep. B. Brown

02:36:05 Rep. Usher

02:37:34 Rep. Harris

02:38:13 Rep. B. Brown

02:38:51 **Vote:** Motion carried 12-7 by roll call vote with Rep. Eck, Rep. Harris, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Z. Brown will carry the bill.

**EXECUTIVE ACTION ON SB 97**

**Discussion:**

02:40:38 Helen Thigpen, LSD

02:40:56 **Motion:** Rep. Berglee moved that **SB 97 BE CONCURRED IN**.

**Discussion:**

02:41:11 Rep. Perry

02:42:43 Rep. Bishop

02:42:57 Rep. Harris

02:43:20 Rep. Morigeau

02:45:18 Helen Thigpen, LSD

02:45:23 Chair Doane

02:45:47 Helen Thigpen, LSD

02:46:13 Rep. Berglee

02:47:41 Rep. Morigeau

02:49:34 Rep. Manzella

02:51:13 Rep. McConnell

02:52:20 Rep. Court

02:52:48 Rep. Morigeau

02:54:12 Rep. Regier

02:54:41 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Tschida will carry the bill.

**EXECUTIVE ACTION ON SB 107**

02:56:04 **Motion:** Rep. Berglee moved that **SB 107 BE CONCURRED IN.**

**Discussion:**

02:56:26 Rep. B. Brown

02:56:48 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Mortensen will carry the bill.

**EXECUTIVE ACTION ON SB 113**

02:57:27 **Motion/Vote:** Rep. Berglee moved that **SB 113 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Dudik will carry the bill.

**EXECUTIVE ACTION ON SB 228**

02:58:16 **Motion/Vote:** Rep. Berglee moved that **SB 228 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Usher will carry the bill.

**EXECUTIVE ACTION ON SB 229**

02:59:21 **Motion/Vote:** Rep. Berglee moved that **SB 229 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Wagoner will carry the bill.

**ADJOURNMENT**

Adjournment: 03:00:28

---

Sara Fleming, Secretary

sf

Additional Documents:

**EXHIBIT**([juh52aad.pdf](#))